

RAC Meeting
January 20, 2005
Idaho Falls, ID

Attending: Jim Hawkins, Ben O'Neal, Earl Skeen, Eric Tilman, Rick Snyder, Dino Lowry, Doug Hancey, Steve Trafton, Garth Taylor (NO QUORUM)

Idaho's local efforts on sage grouse conservation: Wendy Lowe, Chase & Associates (Local Working Group facilitator)

The Idaho Department of Fish & Game developed the local working groups, which have participation from other state agencies, residents, conservation groups, and others. Wendy Lowe is the facilitator for three of the working groups in Eastern Idaho. The Upper Snake Local working group has been developing a very broad ranging plan on matters related to habitat and sage grouse conservation. Local working groups have no authority or budget to effect changes on the land, so the group has also worked toward developing Memoranda of Understanding with land management agencies that have authority over the land. The Malad Local Working Group has been developing a plan that is less wide-ranging, and is working through relationship/participation issues. The Challis Local Working Group has been working on developing conservation measures for major risks to sage grouse; this is probably a smaller, closer-knit group than the others.

Recent developments: U.S. Fish & Wildlife Service had seven petitions for listing the sage grouse on its desks last year, and finally a couple of weeks ago released a decision not to list the species (lawsuits are pending against this decision.). Large portions of the state have no local working group, and the individual local working group plans have some variation in their protective measures; the statewide plan is expected to help fill in the holes. The state has convened a science panel to discuss the state's strategy.

Q: So the groups have been working on the issue for seven years, but there's been no action on the ground? (While the groups have no authority to make changes on the ground, the agencies are not sitting idle in the interim. The USFWS acknowledged that the actions of the federal agencies were among the reasons that the Service did not recommend listing.)

Q: Overall size of the sage grouse range? (BLM manages about 50% of the historic sage grouse range, and Idaho's got a significant piece of that.)

Q: Are the plans available online? (They were, during the comment period, but they are not actively seeking comments right now. The draft MOUs are also circulating, but the BLM also needs to ensure that if an MOU is signed, we also have the resources to implement it.)

Q: I assume that they have identified reasons for decline? (Loss of habitat to agricultural lands/wildfires is the primary cause. Fragmentation of habitat and predation are also possible reasons.)

Q: How do that local working groups plug into the statewide plan? (The intent is that there is general guidance for the state, with the ability for local plans to “plug in” to the general state strategy for local applications. The BLM national guidance fills in any holes that are not covered by the state or local plans.)

Q: Pilot projects? (The Challis local working group is currently working on a potential project on state land.)

BLM Strategies (Karen Rice, BLM Resource Coordinator): The BLM started developing a strategy after the petitions for listing became more numerous. The final BLM strategy took in a lot of comments from public, academia, state agencies, permittees and conservation groups. It is intended to be only an interim plan until the state strategies are completed. It gives direction to managers and state directors to implement actions to preserve sage grouse habitat. The strategy report also names several causes of habitat reductions: (1) habitat degradation, (2) habitat fragmentation, (3) wildfires and altered fire regimes, (4) juniper and Douglas fir encroachment, (5) noxious weed infestation, (6) cricket and grasshopper infestations and treatments, and (7) climatic conditions like drought.

One of the directions we have is to incorporate sage grouse habitat conservation measures in our land use plans. We also need to consider actions in all programs and their effects on habitat before being implemented. The BLM Director feels that the involvement and participation with local groups is of supreme importance.

In Idaho, the RACs have been requested to make recommendations to the State Director when the plans come available. The State Director will also be signing all MOUs with the local working groups. The BLM land use plans also need to be reviewed to ensure that there are sufficient guidelines for conservation of sage grouse habitat. The Idaho BLM needs to submit a plan to amend all of its land use plans to its Washington Office by April.

In the interim, we have been doing Standards and Guidelines since 1998, which considers Threatened/Endangered/Sensitive Species, and the District has been working on the Fire Management Direction Amendments (FMDA) for the southern Idaho field offices' land use plans.

Q: Which has priority, the state plan or the local working group plan? *[The answer to this question doesn't seem clear, and BLM needs to ask this question of the state office-level folks. The current direction is to use the state plans for general guidance and consistency, but local decisions need to consider first the local working groups' plans. If no guidance is available for conservation activities in either document, the BLM managers then consult the national strategy.]*

Q: What can the RACs do? (The State Director wants the RACs to review the state's plan when it comes out.)

Upper Snake Resource Management Plan (Dave Howell): Dave gave an overview of the proposed Resource Management Planning process for the Upper Snake Field Office. The presentation was the same as that given to the Idaho State Director in early November. The overview outlined the issues facing the field office, the fact that the land use plans are all within 20 to 25 years old, the preliminary planning criteria, potential team members and participants in the process. The Upper Snake Field Office is awaiting word from Washington on whether funding will be available in 2006 to begin the plan; if not, the planning process will be delayed for at least a year. The field office should know more about the funding in mid February 2005.

District Manager's Comments/Information.

Cooperative Conservation: The DM reviewed the Executive Order on Cooperative Conservation, which is not significantly different than existing BLM policies and practices at the local level. We have always valued the input and opinions of other agencies and interested publics. The EO, however, makes the guidance more general and applicable to all natural resource agencies.

Budget: The District is facing significant budget issues, given the aggregate costs of doing business, labor and cost of living over many years. We have made some significant decisions that may mean laying off some of our non-permanent staff and less on the ground presence.

Q: What's a typical budget for a District this size? (We are a new District, but a typical four-field office District would have a budget of about \$8 million to \$10 million.)

Q: One of the things I've heard is that there'll be a hit in the weed program? (Yes, and we are trying our best to make up for that. We need to figure out a way to bring that back up to a good level.)

Next week our state leadership team will meet to discuss the statewide budget and local impacts.

Q: Would listing a species bring in extra money to support those activities? (Not typically. Usually some of the money brought in through permit receipts would support additional demands, and it also may mean some work reprioritization.)

National\state\local highlights: Three major issues that the national office is looking at: Rangeland monitoring, and what the Bureau is doing with that money; the sale authority for the Wild Horse and Burro Act; and the Fee Demo program and its renewal for the next ten years. One of the provisions on that is the development of a state advisory council to help with this program, and of course we are asking if we can use existing councils. // Grazing regulation changes are still percolating at the national level. // Idaho is working on the implications of the Nez Perce water rights agreement. // There may be some future guidance for stubble heights coming out from the state office. // Litigation is a big workload, especially for Challis – more on that in a minute. // FMDA comment period closes in February, and we are not hearing much in the way of comments at this point. // Fire Planning: New fire plans are tied to budgets, and we have two new ones in internal review. // Phosphate program: Phil may have more in a minute, but we are working on a couple of mine expansion EISs that we are working on.

Q: Are you interested in allowing permittees to monitor their allotments? (Yes – and we have sent some letters out to permittees asking for those interested to sign up with us. Few takers, little interest in this District thus far.)

Field Office Round Robin:

Pocatello (Phil Damon, Field Manager): Budget has been the driving issue. This year we are not only identifying what we can do, but also what we can't do. Staff's natural instinct is to want to do more, and the manager's task is to keep them working at an appropriate level. // Simplot Exchange: The reports on this have been sent to Washington. I'll be absent tomorrow in order to talk to the Tribes' cultural staff to help them understand what they are giving up. The Tribes are in favor of the exchange because what we are gaining is more desirable than what we are giving up. The company wants to expand its tailings pile onto BLM in exchange for deer winter range habitat in the Blackrock area. Total amount is about 125 acres. // RMP: Right now, we have our draft alternatives developed internally, and we are working on the analysis of the impacts of those alternatives. The core team, the contractor, the Tribes and other agencies met initially Monday to discuss some of those effects, and later this year we will draft an EIS for public review. // Expansion of the Smoky Canyon Mine, which is all on USFS managed land, but BLM has management responsibilities for leases. One major issue will be the current status of roadless areas, and this may become a major test case for the Administration's current policy. There's another phosphate project, the Blackfoot Bridge mine, which is on BLM land. What is good about both of these projects is that we have contributed funds for both of these projects, which helps with the field office's budget. // We are continuing our S&G issues in range, and one issue that will soon come up is the Pleasantview Allotment, where later this month we will issue a decision that mandates the permittees to do herding and keep the cattle moving. We expect lawsuits from WWP on this issue later.

Salmon (Scott Feldhausen, Fisheries Bio): Budget is the big issue, and how we as an office are going to continue our role in the community. Some of our traditional funding sources are causing us to make decisions between staffing and community programs. // Lewis and Clark: Bicentennial events will culminate in mid-August events. May attract Director and/or Departmental attention during that time. // We will be working on improving the diversity of our riparian vegetation communities. // Abandoned Mine Lands: Some activities this year are directed at closing shafts and adits, and improving sites. Some of this is tied to Lewis and Clark as well, with the major number of tourist expected this year. // The office will also be working on sage grouse and pygmy rabbit inventories. // Standards and Guides work: Working on some of the smaller allotments. // Diversion lawsuits: BLM was sued two or three years ago by WWP, and a judge recently issued a decision that the BLM need to initiate consultation on those diversion. // OHV management, especially with Lewis and Clark, will be a major area of focus, and we hope to get a little more law enforcement assistance. // Fire restoration on Willington and Tobias: This summer is the second season, and we are working on getting some of the fencing in place.

Challis (Dave Rosenkrance, Field Manager): Litigation is the biggest concern, and will discuss this tomorrow. // One of the results of the budget concerns is that we are focusing on core

business. // We have 12 permit renewals this year, and we are a little behind on the 10 year schedule. We will be offering training for anyone that would like it, and would like to do monitoring. (Jim Hawkins will assist.) // Plan amendment on the way for land transfer to city of Mackay for landfill. NOI is on the way from the Federal Register. Another one on the way for city of Challis. // Ima Mine cleanup: we are hoping to go out for bid on reconstruction. // Realty program: We are using four realty specialists in different offices because our specialist is in Iraq, and we are looking for ways of becoming more efficient in our processes. // Water rights in the Pahsimeroi will be a major topic this year, as will T&E consultation with fish. // Two issues on the horizon will be the proposed Boulder White Clouds legislation, and potential listing for whitefish, and OHV trail management (loop trail).

Upper Snake (Carol McCoy Brown, Field Manager): S&Gs is a high priority, despite the budget concerns. We are on the books for 49 assessments, which is typical for this office. We will be issuing 30 EAs this year for the 47 assessments we did last year. // Tomorrow you will hear about the Snake River Activity Plan, and we need to continue that. // The 2005 tasks for our RMP will likely not get done this year. // Water rights: we have about 4,500 objections we have to reconcile, which is an extremely busy year. // Recreation: visitors are increasing ($\pm 600,000$ people) at a time when our recreation budget is decreasing. We will have less of a presence on the ground this year and that has raised some concerns, including how to maintain the level of upkeep we have in the past. // Realty: We are winding down on a land sale coming out of litigation for 5.81 acres. This process has been going on for about 20 years, and is going to the governor's office for review. // We have been involved in some stream rehab projects with some land owners and the county out in the Little Lost River area. There are some politically sensitive issues, and we have a meeting with the county and the landowners tonight to talk about them.

Adjourn at 4 p.m.

Thursday, January 21, 2005

Wild and Scenic Rivers (Monica Zimmerman, Upper Snake Field Office)

The Upper Snake Field Office (USFO) will be conducting a Wild & Scenic River (WSR) Eligibility study in preparation for its Resource Management Plan. The USFO has 462 miles of rivers and streams to examine in the process. The WSR Act directs agencies to consider the potential for designations through the planning process. The process proceeds in three phases:

- Eligibility: Rivers are assessed to see whether they are free-flowing, and have at least one Outstanding, Remarkable Value (ORV).
- Classification: The river can be classified as either Wild, Scenic, or Recreational.
- Suitability: A public process for determining whether an eligible river should be recommended for inclusion in the Wild and Scenic River System. Congress makes this determination, but the agency makes a recommendation to Congress.

Eligibility: Questions that we ask during this phase include: Is the river segment free-flowing (defined as free of impoundments, although rivers that have dams in them may still be considered.)? Does it have an outstanding or remarkable value? ORVs must be unique and rare,

or an exemplary feature compared on a regional or national level. Several established lists help us determine these criteria. The evaluation team needs to set boundaries for their analysis based on geographic or geophysical features. Rivers can be of any size, and even ephemeral (flowing only part of the year) may be considered.

Suitability: The next questions we need to answer once a river has been determined to be eligible include: (1) Should the river be protected, or are there reasons not to? And (2) Is this the best method for protecting the river corridor?

Q: Do irrigators trump designations because of the possible economic impacts? (Not sure, we're not far enough along in the process, but we have other precedents we can analyze to help us make that determination. One thing that we do not touch is state water rights.)

The third question we need to answer for suitability is: (3) Is there a demonstrated commitment to protect the river by non-federal entities that may have some responsibility for the river?

Q: Do you have a tentative schedule for how many segments will be analyzed and when the public will be involved? (We will begin eliminating river segments internally through the existing data we have on hand, and for areas we are unsure, we'll need to check them on the ground. We hope to have an eligibility report later this year. The suitability phase will be the most important phase for the public, and one for which the RAC will need to be involved.

Q: What are the protections (and also the limitations) in the river once it is designated? (A scenic river, for example, would mean that future development would not be considered, and probably trees in the area would probably not be cut – that sort of thing.)

Q: So fishing and boating would still be allowed? Grazing, too? (Generally yes, they are grandfathered in. Most cases have a “grandfather clause” for these uses. Occasionally, there have been some existing uses have been curtailed, like banning the use of jet boats on the Middle Fork of the Salmon. Sometimes those instances are preceded by a court case.)

Q: How are private lands affected? (Private landowners retain their rights. A designation doesn't change that.)

The Dillon Field Office used their RAC to help with the suitability phase, and there may be some opportunity for this RAC to do that as well. Joe invited the RAC to consider assigning one or two RAC members to get engaged in the eligibility phase as well.

Q: Would a group like Friends of the Teton River be an example of a non-government group that would be involved in management of the river? (Certainly they would be involved in the process and would be important in gathering input, and we are also working with the Bureau of Reclamation on this process. As for day-to-day management, that's a future question we have to answer.)

One of the advantages of having the RAC involved is that by the time we get to the suitability phase, they have developed the corporate knowledge we need when we go out to the public and

explain to them why some areas may be eligible for inclusion, but may not be considered suitable. Carol will talk with Doug about potential members that would be interested in participating in the WSR process.

Snake River Activity Plan (Monica Zimmerman, USFO):

The BLM and the USFS created an activity and operations plan in 1991 for management of the South Fork of the Snake River. Numerous issues since then have arisen that we have to address. Among these are winter access to the river in the face of conflicting resource values, increasing numbers of users on the river, whether to develop more camping/recreation sites along the river, and so on. The Field Office is developing a proposed action now, and will be going out to the public for their input starting in about March.

Q: How does this plug into the RMP? (We decided that we would not change the RMP. This is an activity level plan, as opposed to a general guidance document like an RMP. Significant changes to current management might require an RMP Amendment. For now, we hope to address the current issues without resorting to a lengthy plan amendment process.)

Challis litigation (Dave Rosenkrance, Challis Field Manager):

L&W Stone – A flagstone quarry, determined to be a locateable mineral, employs between 50 and about 110 people depending on the time of year. Dave signed off on an operation plan, and the BLM was sued by WWP over the decision because of visual resource impacts, possible impacts to deer range and weed impacts. WWP also sued for a temporary restraining order, which the judge in the case dismissed. There is a future hearing coming up on this issue. The residents of the county appear to be united behind the company and against the environmental group. The community also recognizes that the more time that the BLM spends addressing lawsuits means less time working on projects on the ground.

Grazing appeals – There are four appeals pending resolution. The field office routinely does six or seven allotment assessments a year, and this year it will do 12 to catch up to meet the ten-year schedule for Standards and Guides. The office needs to redo a permit renewal at Burnt Creek as a result of an appeal. More and more frequently, WWP is starting to bypass the administrative appeal process where they haven't been as successful and instead go directly to district court. This results in a higher workload for the field office to respond to the U.S. Attorney's office.

Ditches and Diversions – BLM's historic guidance has been to deal with consultations on only post-FLPMA diversions (1976). The listing of bull trout has changed this policy for NOAA Fisheries. The Salmon and Challis field offices have a large number of tributaries that hook into main rivers, and some are de-watered before they reach the main river. Many of these have diversions on them for irrigation and other uses. About 300 pre-FLPMA diversions are found on BLM land, all told. A recent judge's ruling is mandating that BLM consult on all of the pre-FLPMA diversions. WWP would like us to shut off diversions that are used for grazing and other purposes in order to put more water in the stream. The biologists don't believe shutting all the water off is necessary, and six test cases have been selected to show whether the flows can be

increased without shutting water from the diversions through cooperative agreements. Private landowners have been receptive to our approaches.

This has a huge workload potential, including the possibility for new NEPA actions and future lawsuits. The case could have far-reaching implications for other BLM offices and their pre-FLPMA diversions and rights of way.

Tribal and Treaty Rights (Chad Colter, Shoshone-Bannock Tribes):

Review of the history of the Shoshone-Bannock Tribes. The Tribes' history is tied to the river, and many Tribal legends describe this. The Tribes were historically subsistence hunters, and the treaty with the U.S. government is designed for that. Starting in 1863, several treaties were attempted that were un-ratified, meaning they were negotiated between the government and drafted, but Congress did not act on the treaty. The Ft. Hall Reservation was created in 1867, and the Lemhi Reserve was created in 1875. The latter reservation was removed in 1880, and the Lemhi Indians were moved to the Ft. Hall Tribe. Several Tribes ended up together: the Shoshoni, Bannock, Lemhi, Sheepeaters, and eight others.

The Ft. Bridger Treaty established a Tribal government in 1868. Later, the Tribes established membership rules (1935). The Ft. Hall Business Council was created, consisting of seven Council members. The Treaty provides for the Tribes' subsistence lifestyle, and extends to unoccupied federal lands, including BLM lands.

Present actions – The Tribes' have several coordination documents that help govern interaction between the United States and the Tribal governments. There are also internal policies that the Tribes follow, including a policy that allows for natural management of river resources. Several papers used by the Tribes have been written that affirm this policy.

The Tribes have a big game program for management of habitats and populations on the Reservation, and involvement in related issues off the Reservation. They also have a trumpeter swan conservation program aimed at reestablishing the species in their historic range; this effort has had significant success. They are participants in the Southern Idaho Wildlife Mitigation Program, along with the IDFG and the Shoshone-Paiute Tribes; BLM is also a participant in this process. The goal of this process is to mitigate for habitat losses associated with the creation of the Minidoka and Palisades hydroelectric facilities within the Upper Snake River Province. A specific example of this partnership has been the Soda Hills project, which set aside land for deer/elk winter range, protection for eagles, and addresses the issue of habitat fragmentation.

The Tribes have a good-sized fisheries program to address the habitat needs of resident and anadromous fish. The resident fish program concentrates primarily on lands and streams on the Reservation. Much of the work in the anadromous fish is in the Salmon River Basin, and includes remediation of mining lands near rivers. Ultimately, the Tribes would like to see a healthy viable population of sockeye and Chinook salmon for Tribal use, and to provide a benefit to all people in Idaho.

Q: Do the Tribes' subsistence rights extend to private lands as well as federal lands? (Mostly it involves federal lands, but there is some case law that supports Tribal access to private lands as well.)

Q: How is the success of the sockeye salmon going? (Differing results in different years. We are trying to work with other states and Canada to supplement the populations, with some resistance from some government agencies.)

Standards and Guides process (Bret Herres, USFO):

Bret provided a general overview of the Standards and Guides process. A more detailed discussion is expected when the RAC visits the Challis Field Office at the next meeting and spends time in the field.

The discussion included the regulatory foundation for the process, found in 43 CFR 4180, the Fundamentals of Rangeland Health and Standards and Guidelines for Grazing Administration. The CFRs are available online at www.gpoaccess.gov/cfr.

The process includes the Field Office conducting an initial allotment review. This is started in-house to see how much public land is involved, whether there is administrative access to the allotment, whether the lands are isolated tracts, etc. The field office then follows up with a notification to the permittee(s) that the office will be conducting an allotment assessment and evaluation. The office may then opt to do a field assessment, especially if there is inadequate data in the range files to help the specialists determine whether an allotment has been properly managed.

The field assessment covers the eight Standards approved by the Idaho RACs in 1997. They include:

1. Standard 1: Watersheds (including erosion indicators)
2. Standard 2: Riparian Areas and Wetlands
3. Standard 3: Stream Channels/Floodplains
 - √ The above standards help the office determine whether watersheds and riparian areas are in a properly functioning condition, functioning-at-risk, or non functional.
4. Standard 4: Native Plant Communities (includes noxious and invasive weeds)
5. Standard 5: Seedings (non-native species)
6. Standard 6: Exotic Plant Communities, other than seedings (species diversity, plant vigor, etc.)
7. Standard 7: Water Quality (both surface and groundwater)
8. Standard 8: Threatened and Endangered Plants and Animals

An allotment assessment is prepared based on these standards, and the field manager makes a Determination. The Determination is a call on the field managers part as to whether the allotment is meeting the standards, or whether changes need to be made. In some cases, changes need to be made because the allotment is not meeting the standards, but livestock grazing may

not be a factor; in these cases, the field manager needs to work with staff to determine what is the primary factor for poor range health, and take necessary steps to remedy the condition.

After the Determination is issued, an application is filed for a grazing permit renewal, and an environmental assessment is prepared. Once the assessment is complete, a Proposed Decision is issued that includes the terms and conditions of the permit, including any changes to grazing management that may be needed. Following a protest period, a final Decision is rendered by the field manager, and the Decision is opened for appeal.

More information on this process will be discussed at the next meeting in Challis.

Other items from the RAC:

Weed Control (Jim Hawkins): Budget shortfalls have raised concerns about how to treat weeds locally. The state director and other high level officials have said that it is a high priority, and the District needs to raise the bar on weed treatment rather than cutting back. Joe needs to carry to the State Leadership Team the following message: *The RAC has a serious concern that a de-prioritization of noxious and invasive weed programs could occur due to continuing budget reductions, and that these programs should remain at the forefront of BLM goals. The BLM needs to maintain its relationship with the Cooperative Weed Management Areas in order to maintain a foothold on noxious weed control. The other Idaho BLM RACs should also consider this concern. (This paragraph was forwarded to the other Idaho RAC coordinators on 2/3/05. ~DH)*

NEXT MEETING: June 7-8, 2005 in Challis. The meeting will last two full days, and will be mostly outdoors. Among the topics for discussion:

1. Updates to the Pocatello RMP
2. Rangeland Health Training (required by Charter)
3. Overview of the Wild Horse & Burro Program, with field trip to local corrals.
4. Off-Highway Vehicle Use: Terry Heslin of the BLM Idaho State Office will be in attendance to discuss statewide policy, which was developed with the assistance of the RACs, and probably some discussion on Idaho Parks & Rec's proposal for the Lost River OHV Trail system.
5. Congressman Simpson's proposal for Boulder-White Clouds Wilderness: Laurel Hall from Congressman Simpson's staff has agreed to come to the RAC meeting on June 8 to discuss the proposed legislation in the field with the RAC.

Transportation for this meeting will be provided for the RAC by the BLM.

RAC Meeting: BLM Actions needed:

1. Question on Sage Grouse priorities – state or local plans – needs to be resolved with guidance from the state office (Karen).
2. USFO: Contact RAC members on WSR, Snake River Activity Plan. RAC members assigned: Doug Hancey, Dino Lowrey, Garth Taylor, Steve Trafton.
3. DM: Discuss need for viable weed program at the Idaho Leadership Team Meeting.
4. Dave H.: Pass along discussion on weed program to other Idaho RACs for their consideration.